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Letter dated 3 October 2013 from the Permanent Representative of Spain to the United Nations addressed to the President of the General Assembly

I have the honour to submit the written statement of the delegation of the Kingdom of Spain in exercise of its right to rejoinder, in response to the reply of the delegation of the United Kingdom of 27 September 2013 to the speech by the Prime Minister of Spain to the General Assembly on 25 September 2013 (see annex).

I should be grateful if this letter and its annex could be circulated as a document of the General Assembly, under item 8 of the agenda.

(*Signed*) Fernando **Arias**
Ambassador
Permanent Representative

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Annex to the letter dated 3 October 2013 from the Permanent Representative of Spain to the United Nations addressed to the President of the General Assembly

Statement of the delegation of the Kingdom of Spain in exercise of its right to rejoinder, in response to the reply of the delegation of the United Kingdom of 27 September 2013

Spain recalls that several resolutions and decisions of the General Assembly of the United Nations form the basis for the position on the decolonization of Gibraltar, the main elements of which are:

- Gibraltar is a Non-Self-Governing Territory
- The colonial situation of Gibraltar destroys the national unity and territorial integrity of Spain and is incompatible with paragraph 6 of resolution 1514 (XV) of 1960 on decolonization. In the case of Gibraltar, the United Nations has not recognized the right to self-determination
- Only the United Nations can decide when the process of the decolonization of Gibraltar has been completed and, until that time, Gibraltar shall remain on the United Nations list of Non-Self-Governing Territories
- The question of Gibraltar should be resolved through bilateral negotiations between Spain and the United Kingdom, recommended regularly by the United Nations since 1965.

Spain has repeatedly urged the United Kingdom to resume, as soon as possible, the long-interrupted bilateral negotiations on issues of sovereignty. The Spanish Prime Minister reiterated this call in his address to the United Nations General Assembly in September 2012 and again on 25 September 2013 before the same forum. Since 2006, the United Kingdom has repeated that it will not initiate talks with Spain on issues of sovereignty without the consent of the Government of Gibraltar. The Spanish Government considers that this stance runs counter to the position established in the various General Assembly resolutions and the agreement reached between the United Kingdom and Spain in 1984, which is clearly set out in the Brussels Agreement of that year.

Moreover, Spain's position with regard to the areas ceded and not ceded to Great Britain by the Treaty of Utrecht of 1713, signed by Spain and Great Britain, has remained unchanged since its ratification. Spain does not recognize that the United Kingdom has any rights or status with regard to land, airspace or waters that are not covered in article X of that Treaty, under which only the city and castle of Gibraltar, together with its port, harbour defences and fortifications, were ceded.

The isthmus deserves special attention, as it was not ceded by Spain to the United Kingdom by the Treaty of Utrecht; it has always been under Spanish sovereignty. Spain has repeatedly pointed out that the simple fact that the British continue to occupy it does not meet the acquisition of sovereignty requirements under international law. Thus, Spain considers the occupation of the isthmus to be illegal and contrary to international law.

With regard to regional cooperation, Spain reiterates once again that it does not accept the Trilateral Forum for Dialogue, since the local authorities of Gibraltar tried to use it to advance their positions on sovereignty. It was moreover an

unbalanced format, as it allowed the local authorities of Gibraltar to participate, but not the relevant Spanish local and regional authorities.

In any case and, in line with the reply by the United Kingdom to the Prime Minister's speech to the General Assembly on 25 September 2013, Spain welcomes the British proposal to open new ad hoc talks that would provide the framework to take regional cooperation forward.